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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

JAMES McMENAMIN, JR.,

Plaintiff and Appellant,

v.

TRIMARK PACIFIC HOMES, L.P.,

Defendant and Respondent.

B187686

(Los Angeles County  
Super. Ct. No. BC320648)

ORDER MODIFYING OPINION  
[NO CHANGE IN JUDGMENT]

The opinion filed April 20, 2007, is hereby modified as follows:

The last sentence of the first full paragraph on page 15 of the opinion, just before Discussion, section C, is deleted and replaced with the following sentence:

Under these circumstances, ““there is no evidence of sufficient substantiality to support a verdict in favor of . . . plaintiff [on his claim for Project Profit bonuses] if such a verdict had been given.”” (*Estate of Lances, supra*, 216 Cal. at p. 400.)

The petition for rehearing is denied.

There is no change in judgment.

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ARMSTRONG, Acting P. J.

MOSK, J.

KRIEGLER, J.